

WILMERHALE

December 21, 2012

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The Honorable Laura Taylor Swain
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *Ermini v. Vittori*, Case No. 12-cv-06100 (LTS) (HJP)

MEMO ENDS HERE

Dear Judge Swain:

We represent Respondent Viviana Vittori in the above-referenced action. Pursuant to Sections 1.a. and 1.e. of your Individual Practices and jointly with Petitioner's counsel, we write to request the below-outlined modifications to our current schedule. Our co-counsel Ellen Holtzman previously was granted two adjournments of the preliminary pre-trial conference in this matter. We, jointly with opposing counsel, previously were granted a modification of the expert discovery schedule.

Both parties have been working diligently to meet the demands of the current discovery schedule. By today, all non-expert depositions will be completed, and we are collecting documents in response to requests for production and interrogatories. Unfortunately, production is not yet complete, due to the expedited schedule, the fact that many Italian documents require translation, and the volume of documents, including extensive school and medical records.

The current schedule requires that pre-trial motion practice and exchange of potential trial exhibits occur today. Because production of documents is not yet complete, it is difficult to make informed decisions about trial exhibits and to have productive discussions with opposing counsel on how best to narrow the disputed issues for trial.

As a result, we request the changes to the discovery schedule outlined below, including changes to the dates for the exchange of trial exhibits and the filing of pre-trial motions. We are not requesting any change to our trial date of January 28, 2013. No other deadlines, including the date for submission of the joint pre-trial statement to the Court, will be affected by our proposed schedule.

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Current schedule for the preliminary conference and pre-trial motions:

- Deadline for preliminary conference, including production of trial exhibits and all other FRCP 26(a)(3) disclosures: December 21, 2012.
- Deadline for any pre-trial motions, including motions in limine relating to evidentiary issues, to be filed and served: December 21, 2012.

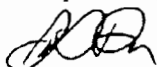
Proposed schedule for the preliminary conference and pre-trial motions:

- Deadline for any pre-trial motions, including motions in limine relating to evidentiary issues, to be filed and served: January 9, 2013.
- Deadline for opposition to any pre-trial motions to be filed and served: January 11, 2013.
- Deadline for preliminary conference, including exchange of proposed trial exhibits, and all other FRCP 26(a)(3) disclosures: January 14, 2013.

Our proposed schedule still permits the joint pre-trial statement to be completed by January 15, 2013. We believe the extra time this schedule provides will help the parties more effectively narrow the issues that are to be tried before the Court.

Thank you for your attention to this matter.

Respectfully submitted,



Jacob Press

The modification requests are granted.

cc: Rocco Lamura, Esq. (via email)
Jacqueline Sands, Esq. (via email)

SO ORDERED.

NEW YORK, NY


LAURA TAYLOR SWAIN

Dec 21, 2012
UNITED STATES DISTRICT JUDGE